UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/SR.189
22 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 189th MEETING

Held at Headquarters, New York,
on Monday, 20 January 1992, at 10.30 a.m.

Chairperson: Ms. TALLAWY

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. Ms. SHANGZHEN made the solemn declaration required of new members of the Committee in accordance with rule 10 of the rules of procedure.

2. Ms. CHAFIKA MESLEM (Director, Division for the Advancement of Women) said that, in response to the recommendations made by the Committee at its tenth session, the Division for the Advancement of Women had prepared a number of reports to assist the Committee in its work.

3. The great upheavals that were taking place in the world were bound to have an impact on women everywhere; one of the most obvious consequences was a stronger and more widespread desire to achieve the objectives laid down in the United Nations Charter, often through democratization. The dominant concern was with de facto rather than mere de jure rights. The work of the Committee and of the Commission on the Status of Women in 1992 was of key importance in that broader movement. In considering the reports of States parties, the Committee had always been as much concerned with the implementation of rights as with their formal existence. Moreover, in 1992, it would be taking up the question of the informal sector, an area where the implementation of rights was particularly difficult.

4. The Committee's decision to analyse article 6 and other articles of the Convention relating to violence towards women and the sexual harassment and exploitation of women was linked to the many efforts being made in that sphere to translate general principles into everyday reality. The report by the Secretariat (CEDAW/C/1992/4) took up the question of traffic in women, in relation to article 6 of the Convention on the Elimination of All Forms of Discrimination against Women, and that of violence against women as reported by States parties under other articles of the Convention. Especially since the Committee's adoption of General Recommendation No. 12, many States parties had been reporting on violence against women. However, the haphazard nature of such reporting seemed to suggest that many States parties did not consider such violence to be covered implicitly by the Convention or were confused by the absence of a clear definition of violence against women.

5. The subject of violence would also be on the agenda of the next session of the Commission on the Status of Women, to be held at Vienna in March 1992. The Commission would have before it the recommendations of the Expert Group Meeting on Violence against Women, convened at Vienna in November 1991 in accordance with Economic and Social Council resolution 1991/18 which had recommended that a framework for an international instrument be developed that would explicitly address the issue of violence against women. That meeting had brought together experts representing all regions, as well as a representative of the Committee and a representative of the Committee on Crime Prevention and Control. It had been provided with the results of the analysis

(Ms. Chafika Meslem)

prepared for the Committee on the subject of violence. The experts had prepared a draft declaration on violence against women, for submission to the Commission on the Status of Women and to the General Assembly. That declaration would include a definition of violence against women and, if adopted, would be a first step towards incorporating the issue of violence against women into international law. Any comments the Committee might wish to make on the report of the Expert Group Meeting would be transmitted to the Commission.

6. There were other points of convergence between the work of the Committee and that of the Commission. One priority theme for the Commission in 1992 was the elimination of de jure and de facto discrimination against women, particularly where political participation by women was concerned. In 1993, the Commission would take up the issue of educating women about their basic rights; in preparation for that work, the Division would be organizing a meeting of experts at Bratislava, Czechoslovakia, in 1992.

7. There was growing concern about ensuring that women's rights were taken into account in the work of human rights treaty bodies and of the Commission on Human Rights. The General Assembly, in its resolution 46/98, had recommended that the Committee secretariat should participate in the preparatory work for the 1993 World Conference on Human Rights and in the Conference itself. The Committee's work was thus part of a broader and ever-growing process of identifying the problems of the advancement of women and formulating concrete measures for promoting it.

8. Seven new States - Burundi, the Central African Republic, Estonia, Israel, Malta, Nepal and the Netherlands - had become parties to the Convention. There were still 62 States that were either members of the United Nations or had observer status with it which had yet to become parties to the Convention. However, in all regions except Asia and the Pacific, the number of States that were parties to the Convention was greater than the number who were not. A growing number of States parties had submitted one or more reports to the Committee. In 1991, 15 periodic reports had been received. The Division had assisted some countries at their request, with the process of ratification of the Convention or with the preparation of reports, as part of its regular technical cooperation programme. As of 1992, the Division staff would include an interregional adviser, one of whose main tasks would be to assist States parties in the preparation of their reports. There were 27 reports awaiting consideration by the Committee; to avoid a backlog and undue delays in the consideration of reports, the Committee might wish to recommend that its next session should be extended. Since that request would have financial implications, it would have to be approved by the General Assembly.

9. The Economic and Social Council, in its resolution 1991/25, had wecomed the general recommendations contained in the Committee's report on its tenth session. It had urged that the provision of training in the implementation of the Convention be strengthened and had recommended that the strengthening of

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substantive and technical support for the Committee should be a priority. It had also recommended that a close relationship be maintained between the Committee, the Committee on the Rights of the Child and other United Nations human rights bodies and between the secretariats of those Committees. The General Assembly, at its most recent session, had taken note of the Committee's report. However, as part of the rationalization of its work, the Third Committee would henceforth consider the status of the Convention and any relevant recommendations only every two years and would next take up the item in 1992.

10. Three innovations recommended at the tenth session were to be put into effect at the current session. First, the Division had prepared, for each of the reports of States parties to be considered by the Committee, an analysis of how the report complied with the Committee's guidelines; it had also provided additional statistics from United Nations data banks. In cases where the State party had submitted reports to other treaty bodies, cross-referencing was provided. The Division needed to know whether that assistance was useful; it should be noted that such assistance was not provided by the secretariats of other treaty bodies. A second innovation was the general distribution of pre-session documents to assist the Committee in analysing certain articles - in 1992, article 6 and other articles relating to violence - and in formulating general recommendations on specific topics arising from consideration of States parties' reports - in 1992, the informal sector and development assistance. In a fourth document (CEDAW/C/1992/7), the Secretariat described the implications for the work of the Committee of the priority themes of the Commission on the Status of Women. She drew attention to the issue of positive action, which came under article 4, and the problems of women in decision-making positions, which came under articles 7 and 8. A third innovation was that information from the specialized agencies of the United Nations system was now being presented in a public document so that the agencies could contribute to the consideration of reports and the preparation of analyses and general recommendations by providing both general and specific information to the Committee.

11. There were now 111 States parties to the Convention, and a corresponding volume of initial and periodic reports; moreover, the Committee had made numerous requests for increased assistance from the Secretariat in the preparation of its sessions. All that additional work had been absorbed without any increase in the personnel of the Division and despite a 15 per cent reduction in its staff three years previously; there had also been no increase in financial resources except for travel and subsistence allowances for members of the Committee, and for members of the Secretariat when meetings were held in New York. If the Committee decided to request an extended session, it would be easier to hold such a session at Vienna, since the entire staff of the Division was available there. The innovations described above had forced her to redeploy resources intended for the preparation of the World Conference. The Division's task had not been easy, because the Committee's documents had to be prepared at the same time as

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documents for the Commission. The work done for the current session represented the absolute maximum that the Division could achieve. She hoped that States parties to the Convention and members of the Committee would understand that the Division had reached the limits of its capacity and could not take on any additional work without an increase in personnel.

12. The CHAIRPERSON said that in accordance with rule 14 of the Committee's rules of procedure, the officers elected by the Committee at its tenth session would continue to hold office at the eleventh session. They were: Ms. Tallawy (Egypt), Chairperson; Ms. Alfonsin de Fasan (Argentina), Ms. Akamatsu (Japan) and Ms. Ilic (Yugoslavia), Vice-Chairpersons; and Ms. Laiou-Antoniou (Greece), Rapporteur.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (CEDAW/C/1992/1; CEDAW/C/1992/CRP.1)

13. The provisional agenda and the programme of work were adopted.

14. The CHAIRPERSON announced that Ms. Sinegiorgis would be unable to attend the Committee's current session.

15. The CHAIRPERSON said that membership of the Committee's two working groups would be open ended. Each working group would elect its own Chairperson. The mandate of Working Group I would be to examine issues arising from the report of the pre-session working group; to decide which countries' reports should be considered at the next session, and the duration of that session; to consider the Committee's contribution to the World Conference on Human Rights, the 1995 World Conference on Women and the International Year of the Family (1994); to consider issues for the fourth meeting of chairpersons of human rights treaty bodies and what issues the Committee should emphasize at that meeting; to make general observations following the presentation of States parties' reports; to draw up a programme of work for the twelfth session and to draft a provisional agenda for that session.

16. Working Group II was to consider recommendations pending from the tenth session, at which attention had been focused on women workers in enterprises, teacher training on equality issues, and women in the informal sector. It was also to consider a recommendation on violence. According to a decision taken at the tenth session, the current session would focus on article 6 of the Convention. Analysing that article would require considerable effort, however, as it covered violence, sexual harassment and other related issues.

17. The Committee should be prepared for the World Conference on Human Rights in 1993, if only to the extent of having an interpretation ready of all articles of the Convention. Women's rights were human rights and unless that point was stressed, the Committee might miss the opportunity offered by the Conference. At the least, a detailed definition of the meaning of each article was necessary.

18. Ms. EVATT noted that although Working Group I had a very heavy agenda, it should not neglect the question of the assistance the Committee received from the Secretariat, notably the preparatory documentation.

19. She said that, although the question of violence against women had been assigned to Working Group II, no decision had been taken on how to respond to decisions of the Commission on the Status of Women and of the Economic and Social Council, or to the report of the Expert Group Meeting on Violence against Women, held at Vienna in 1991. In her view, the Committee should give priority to its own agenda, not to its response to statements and decisions of other bodies.

20. Ms. CORTI said that the Committee should, at least, have been informed of the intention to convene the Expert Group Meeting so that it could have participated in an advisory capacity. Interaction among the various human rights bodies was more essential than ever, and no single body should adopt resolutions or issue recommendations without consulting the Committee. With respect to the report of the Expert Group Meeting, she wondered to what extent that document and the recommendations contained therein should serve as a basis for the deliberations of Working Group II.

21. Ms. BUSTELO GARCIA del REAL said it appeared that the Committee was being asked to give an opinion on the various alternatives set forth in the report of the Expert Group, such as the possibility of a new international human rights instrument or mechanism. Apart from its comments on that report, the Committee should consider making a general recommendation, along the lines of its General Recommendation No. 12, on the issue of violence against women. The Committee might also wish to make a recommendation regarding article 6 of the Convention, which concerned prostitution and traffic in women, either as a separate recommendation or as part of a general recommendation.

22. Ms. CHAFIKA MESLEM (Director, Division for the Advancement of Women) said that the resolution of the Commission on the Status of Women, which had been endorsed by the Economic and Social Council in its resolution 1991/18, had been based on the Committee's General Recommendation No. 12. The Expert Group Meeting on Violence against Women had been organized in response to paragraph 6 of Economic and Social Council resolution 1991/18, which called for the convening in 1991 or 1992 of a meeting of experts to address the issue of violence against women.

23. Ms. BERNARD said she agreed with Ms. Corti that the Committee should have been involved in the Expert Group Meeting, and wished to know the basis on which the experts had been selected.

24. Ms. GONZALEZ MARTINEZ said that the Committee, as the body which monitored the implementation of the only international instrument that referred directly to the situation of women, should have been consulted by the Economic and Social Council when it had decided to request the Secretary-General to convene a meeting of experts. Although the involvement of various bodies in considering ways to eliminate violence against women

(Mrs. Gonzalez Martinez)

reflected the seriousness of the problem, it also threatened to waste resources through duplication of work and a multiplicity of forums and recommendations that could prove overwhelming to Governments. It was therefore important for the United Nations Secretariat to fulfil its role of coordinating international work on women's issues. Moreover, violence against women was not the only issue that was not dealt with explicitly in the Convention, and the Committee should avoid singling it out for special treatment.

25. Ms. AOUIJ said that an additional protocol on violence against women could be useful as a means of defining such violence and inducing States to include provisions in their legislation that specifically prohibited violence against women.

26. Ms. SCHOPP-SCHILLING said that she would prefer a broad interpretation of the existing Convention to a new international instrument on violence against women, because the power to stop such violence would be spread too thin if it relied on too many different instruments. The Committee should opt for either a protocol or an established practice of writing commentaries on the issue of violence.

27. The CHAIRPERSON said that the question of drafting a separate protocol on violence against women raised the issue of whether separate protocols for certain problems would appear to reflect on their relative importance in a discriminatory way.

28. Ms. CHAFIKA MESLEM (Director, Division for the Advancement of Women) said that the selection of experts for the Vienna meeting had been based on the desire to obtain a wide range of specializations and geographical representation. It should be noted that the Expert Group had not made any proposals, but had only considered various approaches to eradicating violence against women.

29. Ms. FORDE said that, since General Recommendation No. 12 provided for the monitoring of measures to eradicate violence against women, no other formal steps were necessary. Although additional information, discussions and comments could be useful, General Recommendation No. 12 represented a basic approach to dealing with the problem.

Report of the pre-session working group

30. Ms. EVATT, Chairperson of the pre-session working group of the eleventh session, introduced the group's report, which dealt with the second periodic reports of six States parties. No attempt had been made to impose the same format on each State's report. In commenting on States' implementation of the Committee's recommendations, the pre-session working group had instead been guided by the characteristics of each State party.

The meeting rose at 1.10 p.m.

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CEDAW/C/SR.190
24 January 1992

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 190th MEETING

Held at Headquarters, New York,
on Monday, 20 January 1992, at 3 p.m.

Chairperson: Ms. TALLAWY

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Consideration of reports submitted by States parties under article 18 of the Convention

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Barbados (CEDAW/C/5/Add.64)

1. At the invitation of the Chairperson, Ms. Alleyne and Mr. Maycock (Barbados) took places at the Committee table.

2. Ms. ALLEYNE (Barbados) said that the initial report of Barbados examined articles 1 to 16 of the Convention as they pertained to Barbados, and provided information about important political, legal and administrative measures that had been taken to deal with the entire question of discrimination against women. The report demonstrated that Barbadian women had equal rights in most pertinent areas under the law.

3. In 1976, Barbados had established a National Commission on the Status of Women. The Commission had subsequently submitted a report with 212 recommendations aimed at eliminating all forms of discrimination against women. The Commission's report was and continued to be the primary plan of action of Barbados. The report before the Committee (CEDAW/C/5/Add.64) noted the progress that had been achieved in implementing the Commission's recommendations.

4. Within the reporting period covered by the initial report, 190 of the National Commission's 212 recommendations had been implemented, including 40 of the 46 recommended legislative changes. The changes in legislation dealt essentially with family law provisions, property rights, employment protection, reproductive rights, privileges and safeguards (both occupational and environmental) and citizenship and domicile rights. The report briefly outlined the areas in which the amended legislation benefitted women under the respective articles of the Convention.

5. Following the Barbadian Parliament's acceptance of the National Commission's report in September 1978, the Bureau of Women's Affairs had held a national-level conference with governmental and non-governmental organizations and private-sector agencies and organizations to discuss the Commission's recommendations and facilitate their implementation. Commissioners had assisted the Bureau and its Ministry in the exercise. That approach had enabled the Bureau, with its small staff, to monitor the implementation of the recommendations by the respective agencies. The use of the resource agencies in consciousness-raising programmes, project preparation and reporting had helped to reduce some areas of resistance to the recommended changes.

(Ms. Alleyne, Barbados)

6. The non-militant approach to the elimination of discrimination against women had been the hallmark of progress in Barbados. However, on a few occasions, women's organizations had held public demonstrations, especially on the issue of violence against women.

7. Women made up 52.2 per cent of the population of Barbados and participated, to varying degrees, in all areas of social and economic development. They were especially involved in agriculture and fisheries, tourism, manufacturing, the handicraft and light industries, and commerce and the service sectors. Forty-three per cent of all Barbadian households were headed by women, and women accounted for 47.19 per cent of the country's labour force.

8. Since the attainment of adult suffrage in 1950, Barbadian women had always accounted for the majority of voters. While Barbadian women had been in Parliament since 1953, their numbers had never been significant. For decades, women had performed supporting political roles and continued to do so. However, over the past 18 to 20 years, more women had come forward for or accepted, political office. There had been only one elected female representative in the House of Assembly during any term of office; other women serving on the opposition and in the Senate had been appointed.

9. As a result of entrenched values, attitudes and behaviour, the full development and advancement of women within the context of the principle of equality was a challenging and difficult task. In the implementation of the National Plan of Action, it was therefore necessary to recognize and incorporate the social and cultural realities with which Barbadian women had to contend. Like other women throughout the world, many Barbadian women suffered from social ambivalence: while many Barbadian women openly welcomed the changes and removal of the social barriers to their development, others were apprehensive about the consequences for family and working relationships. However, women's fears and inhibitions were disappearing, and men had begun to feel less threatened by the rapid social changes and strides that Barbadian women had been making over the past decade and a half.

10. The process of integration and elimination of discrimination was also facilitated by the active involvement of 44 women's organizations in Barbados, which related directly to the Bureau of Women's Affairs or through the Umbrella National Organisation of Women.

11. The Bureau of Women's Affairs received a small portion of Government funds to implement its programme. During the reporting period, it had received approximately $125,000 to $130,000. It had received additional funds from international and regional agencies.

12. The political position of women had been determined by the internal structures and their status within the partisan political organizations. The

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existence of women's branches or arms of the major political parties only marginally supported the nomination of women for political office. In the light of that situation, the ruling party had pledged that women would be given greater opportunities to participate in the decision-making processes of government at all levels, and there was evidence of a small degree of progress in the attainment of that goal. However, greater efforts were needed, and the Bureau of Women's Affairs was facilitating the process through leadership-training seminars on political participation and consciousness-raising.

13. In its initial report, Barbados considered those aspects of the articles of the Convention to which it had adhered and also indicated areas in which discrimination had not yet been overcome. With respect to article 5, since the end of the reporting period, Barbados had taken additional steps to eliminate violence against women. There had been media discussions on child and sex abuse and rape, and video presentations on rape for judicial and decision-making personnel and agencies. The Parliamentary Select Committee was currently considering draft legislation on domestic violence and sexual offences, and Barbados had contributed to the Caribbean Community (CARICOM) Regional Legal Models on six areas of the law, including domestic violence, sexual offences and sexual harassment. The Bureau of Women's Affairs, in cooperation with the Caribbean Broadcasting Corporation, had recently begun radio call-in programmes on violence.

14. With respect to article 6, she noted that, in the light of the human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) epidemic, there were currently greater restrictions on prostitution. With respect to article 7, she was pleased to announce that, in 1991, six women had been appointed to the Senate and one had been elected to the House of Assembly.

15. Referring to article 10, she noted that contraceptives were readily available throughout Barbados in both rural and urban areas. The Barbados Family Planning Association encouraged men to protect women from unwanted pregnancies and advocated male sterilization for couples that did not plan or want to have more children.

16. With reference to article 11 of the Convention, she indicated that women accounted for approximately one third, or 28.57 per cent, of administrative and managerial workers in Barbados. In the Public Service, there were 10 Heads of Department who were women, a figure which represented approximately 0.145 per cent of the total public-sector workforce for that position.

17. Referring to article 13, she said that the Government Development Bank provided loans for micro-business ventures undertaken by women and men. In 1990, the Inter-American Development Bank had provided a grant and loan to the National Development Foundation for small business development on the condition that 50 per cent of the beneficiaries would be women. A greater number of commercial banks were accepting women as good credit risks,

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especially in business. The Caribbean Development Bank, among others, had provided funds to the women in development (WID) programme for onward lending and training women in business. Lastly, since 1978 the National Organization of Women had been conducting business acumen training courses for women in business.

18. With respect to article 14, she said that the National Skills Training Programmes were decentralized and had centres in both rural and urban areas. The relevant agency's programme rationalized and coordinated vocational training needs for industry, manufacturing and commerce. Private non-governmental organizations and agencies also offered vocational and technical training.

19. While Barbados had made significant progress during the current reporting period, many areas required ongoing action and support. In order to carry out its role more efficiently, the Bureau of Women's Affairs had to be strengthened, and some areas of legislation, especially with respect to domestic and civic violence against women, needed to be further addressed. Women's participation in the political and civil decision-making processes at the highest levels needed to be improved, and women had to be given more encouragement, preparation and support in the productive economic sectors, especially in self-employment, entrepreneurship and industrial development. It was also necessary to strengthen the data resource bases in order to support the monitoring and reporting process. The Constitution of Barbados must be amended to ensure non-discrimination against Barbadian women and their offspring and foreign spouses.

20. The third periodic report of Barbados, which had already been submitted, contained information about further progress in the national effort to eliminate discrimination against women and facilitate their fuller integration into development.

21. Ms. BERNARD said that the report submitted by Barbados reflected the concern of the Barbadian Government to improve the status of women. Barbados had always been in the vanguard of promoting women's rights in the Caribbean and had been one of the first countries to establish legal machinery for dealing with women's problems. Several areas still remained to be addressed, but she was sure that they could be dealt with if the necessary will and commitment were shown.

22. Ms. LAIOU-ANTONIOU said that the report demonstrated the political will and commitment of the Government of Barbados to tackle women's issues. However, she wanted to know how women participated in planning the development of the country, given that they were not involved in political decision-making. What machinery was available for that purpose? She noted that tourism represented a substantial proportion of the country's income and wondered whether women continued to occupy the traditional secondary role in that sector or whether they were also involved at the management level.

23. Ms. AKAMATSU said that the report was both informative and impressive. She expressed appreciation that Barbados had ratified the Convention without reservations at a very early stage. She welcomed the intention to revise the Citizenship Act, which she felt was discriminatory. Lastly, she would be interested to know what relationship existed between the ombudsman system and the Bureau of Women's Affairs.

24. Ms. UKEJE commended Barbados for its report, which was frank and concise and in accordance with the Committee's guidelines. Her main concern was the lack of statistics, but that shortcoming had been remedied in the presentation just made. She hoped to see better statistics in future reports, which should also deal with the action taken to implement the Committee's recommendations.

25. Ms. ALFONSIN welcomed the report submitted by Barbados but expressed concern at the high percentage of women acting as heads of household (43 per cent). She also wondered whether any statistics were available concerning the role of the ombudsman.

26. Ms. WALLA-TCHANGAI, Ms. ILIC and Ms. EVATT expressed their appreciation for the report submitted by Barbados.

27. Ms. OESER said that she particularly welcomed the additional information provided in the annexes to the report. However, she wondered why the time-frame of the report had been limited to the period 1982-1987. She would appreciate more details on the current situation. For example, were the positive trends in the economic and political fields continuing and what were the Government's priorities for the next two years with respect to measures to achieve equality of men and women?

28. Ms. BRAVO NUÑEZ DE RAMSEY said that the report bore witness to the efforts made by the Government of Barbados on behalf of women. However, as elsewhere in the third world, women in Barbados were suffering from a double marginalization: as citizens of a third world country and as women. That was clear from the table in appendix V to the report giving details of membership of boards and commissions by sex. It would also be interesting to know what proportion of women was included in the lists of proposed candidates drawn up by political parties in Barbados.

29. Ms. SHANGZHEN said that the Government of Barbados had worked hard to implement the Convention and was frank in its report about the obstacles and problems facing it. She hoped that the second periodic report would show evidence of still further success.

30. The CHAIRPERSON invited the Committee to consider the report with reference to individual articles of the Convention.

Article 2

31. Ms. CORTI, referring to the legal aid scheme mentioned in paragraph 33 of the report, said that she would like to know whether such aid covered legal costs in full and whether all women were entitled to receive it.

32. Ms. LAIOU-ANTONIOU said that she would welcome clarification of the derogations permitted by the Constitution of Barbados from its non-discrimination provisions. Given that the Convention was not automatically part of the laws of Barbados, as pointed out in paragraph 23 of the report, she would like to know what procedures were necessary to enable women in Barbados to invoke the provisions of the Convention.

33. Ms. ILIC asked whether women could apply to the courts for redress under the Convention. She also wished to know what practice was followed for securing the support of the ombudsman, whether it had been publicized and what its impact had been.

Article 4

34. Ms. CORTI requested details of the budget of the National Commission on the Status of Women. She would also like to know the outcome of the various inquiries by the Commission mentioned in the report, particularly the one concerning the role of women in one-parent families. Moreover, did the Commission have the right to propose laws to Parliament?

35. Ms. SCHOPP-SCHILLING said that she would like to know whether there had been any discussion in the National Commission concerning the possibility of taking affirmative action in certain areas in connection with article 4. What approach was the Government taking to article 4 and did it have any plans to introduce preferential treatment for women or quotas in political parties?

Article 5

36. Ms. BUSTELO GARCIA del REAL asked whether the measures to combat violence against women (para. 41 of the report) concerned domestic and other forms of violence as well as rape. She also asked what other services were available to help the victims of violence and whether statistics were being gathered to gauge the effectiveness of the measures taken.

37. Ms. EVATT asked whether surveys had been carried out to assess the effects of the programmes undertaken to modify social and cultural patterns of conduct. She wondered why changes in attitude and gains in equality had not been achieved more rapidly, given the preponderance of women in Barbados in certain age groups. Perhaps more extensive efforts were needed to provide women with information.

38. Ms. OESER wished to know whether domestic violence constituted a criminal offence and what legislation there was on the subject.

39. Ms. BRAVO NUÑEZ DE RAMSEY asked whether government assistance was available for womens' organizations in Barbados, since in the third world such organizations frequently played an important role in solving problems.

Article 6

40. Ms. UKEJE noted that many households were headed by unemployed women. Was there a link between unemployment, family responsibility and prostitution, especially among women aged 15 to 24? Were any specific programmes available to provide such women with an alternative livelihood?

41. Ms. CORTI, noting that prostitution was illegal in Barbados and that prostitutes were liable to a penalty on conviction before a magistrate, asked whether such penalties were defined by law.

42. Ms. BUSTELO GARCIA del REAL said that she wished to underscore the previous speaker's comments. Paragraph 46, referring to the Vagrancy Act, did not indicate whether all forms of prostitution were prohibited by law. Nor was it clear whether the existing legislation had eliminated prostitution, so that article 6 of the Convention could be said to have been fully implemented. Furthermore, the report did not indicate whether it was the prostitute, the client or the procurer who was liable to prosecution. Statistics on the prevalence of prostitution would be appreciated.

43. Ms. ILIC said that she shared the previous speaker's concerns. The report mentioned two laws under which prostitutes could be prosecuted, but did not indicate how the other parties to the offence were dealt with; apparently, only women were punishable. She would appreciate information on the prevalence of prostitution, efforts to rehabilitate prostitutes, and whether AIDS was being spread mainly through prostitution or through drug abuse.

44. Ms. EVATT asked whether prostitutes were protected from rape and assault by specific or by general legislation. She also requested further information concerning the new restrictions on prostitution in the light of the AIDS epidemic.

45. Ms. QUINTOS-DELES asked whether the promotion of tourism had led to any increase in prostitution, as in other countries, and if not, what factors had prevented it.

Article 7

46. Ms. CORTI noted the low level of participation by women in politics; despite the Government's strong commitment to women's rights, very few women were elected to public office. She wondered whether candidates were indeed elected to the House of Assembly, but appointed to the Senate as indicated in the report, or whether an error might be involved. According to table 4, the number of women voters had decreased by almost half from 1971 to 1976, while rising slightly in recent years; she would appreciate an explanation of those fluctuations.

47. Ms. ILIC said that she, too, had questions about women's political participation. Although 54.3 per cent of the electorate had been female in 1976, few women came forward for elective office. She wondered why women were not using their electoral strength to press for the enactment of favourable legislation, and whether any organizations were attempting to increase women's political awareness.

48. The CHAIRPERSON asked whether the low level of participation by women in politics was due to psychological factors, such as lack of confidence in their leadership abilities.

49. Ms. ABAKA said that she shared the concerns of the previous speakers. Since there were several women's organizations in Barbados, thought might perhaps be given to implementing programmes to raise women's political awareness.

50. Ms. AOUIJ said that the extent of women's involvement in politics was one of the parameters for evaluating a country's level of development. It would be useful to know what the women's branches of the two major political parties were doing to increase women's political awareness. Perhaps one reason for the small number of women in the legislative bodies was that there was only one elected body, the House of Assembly, while Senators must be appointed. In that case, the Government should be urged to appoint more women.

Article 8

51. Ms. BERNARD asked whether efforts were being made to encourage women to enter the diplomatic service, where they were poorly represented, and to ensure that they were appointed to higher office.

Article 9

52. Ms. NIKOLAEVA said that, while the Government was to be commended on the actions undertaken to protect women's rights and to abolish discrimination, much remained to be done. She wished to know what measures were being planned or implemented to eliminate the remaining barriers to the full realization by women of their civil rights, as referred to in paragraphs 57 to 62.

53. Much had been achieved in the field of literacy and education for women. However, she shared the concerns expressed with regard to women's political involvement. Another area of concern was the status of the family, with 43 per cent of households headed by women. She wondered to what that could be attributed, and whether anything was being done to strengthen the family as the basic unit of society.

54. The CHAIRPERSON, speaking in her personal capacity, said it was clear from the report that there were problems with regard to the implementation of article 9, since a woman who was married to a non-citizen could not transmit

(The Chairperson)

Barbadian nationality to her children. As in many other countries, that was a matter of social tradition, not law, and women's organizations were working to change the situation.

Article 10

55. Ms. LAIOU-ANTONIOU asked what percentage of the public schools were coeducational and whether plans were being made to improve them.

56. Ms. AKAMATSU expressed satisfaction at the high literacy rate among women, which appeared to be related to their relatively high status in Barbados. Statistics on the enrolment of boys and girls at the secondary and tertiary educational levels would be helpful. Referring to table 5 (i), she wondered why such a large percentage of women had chosen commerce as their field of study.

57. Ms. ALFONSIN DE FASAN, referring to paragraph 60 of the report, asked what would happen to the children of Barbadian women married to non-citizens if their parents could not afford private education. In view of the large percentage of single-parent households, she wondered whether sex education could be included in the school curricula.

58. Ms. EVATT said that, in view of the large number of teenage pregnancies, it might be advisable to offer sex education and family life programmes in the schools.

Article 11

59. Ms. SCHOPP-SCHILLING requested information on the means of support and the economic status of households headed by women, and on whether the Government had developed any employment training programmes for such women.

60. Ms. CORTI asked whether wage parity between men and women was guaranteed by law, what the Legal Aid Scheme was and whether it handled complaints of sex discrimination. Referring to paragraph 81 of the report, she said that more information was needed on the agricultural sector, and the pension scheme applicable to it. With regard to paragraph 82, she wondered whether there was a statutory number of years of contribution to the National Insurance and Social Security Scheme, and what percentage of such contributions was paid by the employer and by the employee, respectively.

61. Ms. AKAMATSU, referring to paragraph 84 of the report, wished to know whether, in case of wrongful dismissal, a woman could be reinstated in her job by a decision of the court, or whether she only received monetary compensation. With regard to paragraph 85, she asked what percentage of salary was paid as maternity benefit. Referring to paragraph 86, she suggested that, as provisions protecting women in the workplace were limited under the Convention to pregnant women, the Barbadian legislation in that area should perhaps be re-examined.

62. Ms. ALFONSIN DE FASAN asked whether any measures had been adopted to assist women who were single parents in finding employment.

63. Ms. GONZALEZ MARTINEZ said that paragraphs 75 to 89 of the report contained broad information on the measures adopted by the Government to protect working women under the terms of the Convention. Referring to paragraph 88, she noted that there were very few countries in which day care centres accommodated parents who had to pick up their children after closing time. With regard to paragraph 89, she said that in most countries, even if nursing mothers were legally guaranteed the right to nurse their infants at the workplace, they usually found it impossible to do so from a practical point of view. The Government was therefore to be commended on its frankness and realism in acknowledging the difficulty of guaranteeing such a right.

64. Ms. LAIOU-ANTONIOU, referring to paragraph 84 of the report, asked whether denying pregnant women employment was also prohibited by law. If not, Barbados could consider adding such a provision.

65. She agreed with Ms. Akamatsu that overprotection of women (e.g. the precautions described in footnote 34 on cleaning machinery) tended to perpetuate stereotypes and were a disincentive to employing women.

66. Ms. BUSTELO GARCIA del REAL, referring to the issue of salary discrimination, asked whether further steps had been taken since 1989 to implement the recommendations of the International Labour Organisation concerning equal remuneration in respect of work of equal value.

Article 12

67. Ms. LAIOU-ANTONIOU requested information concerning abortion laws in Barbados.

68. Ms. BUSTELO GARCIA del REAL wondered whether the absence of legislation aggravated the problem of clandestine abortions.

69. Ms. AKAMATSU said that she shared the concerns expressed by Ms. Laiou-Antoniou and Ms. Bustelo García del Real.

70. Ms. CORTI also wondered about clandestine abortions, particularly in the light of the statistics on adolescent pregnancies. She wished to know whether family planning services provided information on contraceptives and dispensed them free of charge.

71. Ms. WALLA-TCHANGAI requested statistics on mortality in childbirth and information on the causes. Referring to paragraph 97 of the report, she asked whether adolescents who might be inclined to seek clandestine abortions had easy access to family planning services. It would be interesting to know whether "equal access" to health services (para. 98), meant that women could avail themselves of health services without the advice and consent of their husbands.

72. Ms. EVATT requested additional details on the circumstances in which abortions could be performed legally.

Article 13

73. Ms. AKAMATSU inquired about the regulations which gave access to children's allowances to the husband only (para. 101).

Article 14

74. Ms. IKEJE asked whether paragraph 104 implied that articles 10 and 14 of the Convention were not applicable in Barbados. She wondered whether the lack of an urban/rural dichotomy meant that there were only urban poor. She wished to know whether the 18.6 per cent of women who studied agriculture (para. 65, table 5 (ii)) were rural or urban.

Article 16

75. Ms. BERNARD asked whether there was specific legislation empowering the courts to quantify the services of a wife, mother and home-maker. That was of particular interest in the light of the pamphlet entitled "What Are My Property Rights?" (reproduced in appendix II), which indicated that courts took into account the woman's indirect financial contribution towards the purchase of a house.

76. Ms. LAIOU-ANTONIOU, noting the high percentage of unmarried couples, asked about procedures for legitimizing children born out of wedlock. She wondered how the father legally recognized the child - for example, through a notary public - and whether the child took the mother's or the father's surname. It would also be interesting to know which surname married women used. Lastly, she wondered why the report contained a reference to parental authority but not to parental care, and, if the custom had not been completely abolished, whether there were legal provisions concerning dowries.

77. Ms. AKAMATSU, referring to paragraph 115, asked whether it was realistic, in the light of the number of unmarried mothers in Barbados, to restrict the grounds for divorce. She, too, noted that the report contained no information about the attribution of surnames.

78. Ms. AOUIJ noted that the courts had great latitude in interpreting family law and consequently in determining the extent of the equality of men and women. For example, the courts decided what constituted an intolerable marital situation and whether or not 18-year-old children who were still financially dependent on their parents were entitled to a maintenance allowance. She wondered, therefore, whether judges attempted to reconcile spouses who brought divorce suits, and whether there were women judges and lawyers in sufficient numbers to have a bearing on judicial practice. Lastly, noting the considerable number of non-marital unions, she wondered how many men were both legally married and fathers of legitimate children and, at the same time, in extramarital unions which had produced illegitimate children.

79. Ms. BRAVO NUÑEZ DE RAMSEY wondered what was meant in paragraph 115 of the report by a marriage that had "broken down beyond recovery".

80. The CHAIRPERSON expressed appreciation to the representatives of Barbados for a very frank, complete report, which was focused and contained novel ideas for ensuring the well-being of women. The report reflected sincere interest on the part of the Government of Barbados and national non-governmental organizations in the situation of women.

81. The relationship between tourism and prostitution remained a cause for concern, as tourism accounted for a very substantial portion of the gross national product of Barbados. She noted the relationship between prostitution and violence in the home or in public places. The Committee was also concerned about the high percentage of women supporting families and the reasons for it, and would also appreciate additional clarification of the role of the courts in divorce matters in Barbados.

82. Questions also remained concerning the participation of women in political life, particularly in view of the discrepancy between the percentage of women voting and the insignificant percentage of women representatives in Parliament and in other high political offices.

83. Mr. MAYCOCK (Barbados) thanked the Committee for its thoughtful consideration of his country's initial report. Complete answers would be provided on the date scheduled. However, in advance, he would say that cultural, historical and political factors held the answers to some of the questions raised by the Committee. The Barbadian system of government was bicameral, comprising a House of Assembly and a Senate. Campaigning for office was extremely gruelling, as candidates were often the targets of scurrilous attacks. Many women preferred to avoid that. Although women were not party leaders, they were very active and efficient workers in the three political parties in Barbados.

84. Perhaps statistics would not fully reflect the real situation in Barbados concerning households headed by women, including families resulting from common law marriages, but a breakdown would be provided in future reports. Theoretically, it was possible for a man to have a legal wife and also be involved in an extramarital union, but it would be difficult to do so discreetly in such a small country. Lastly, at one time, children born out of wedlock could only assume the mother's name, but changes in the law had made it possible for them to assume the father's name, too. Women often preferred to use their maiden names for professional purposes and their married names for social purposes.

85. The CHAIRPERSON expressed appreciation for the work done by Ms. Forde, the Committee member from Barbados, on the occasion of the presentation of her country's report.

The meeting rose at 5.55 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/SR.191
27 January 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 191st MEETING

Held at Headquarters, New York,
on Tuesday, 21 January 1992, at 10 a.m.

Chairperson: Ms. TALLAWY

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial, second and third periodic reports of Ghana (CEDAW/C/GHA/1-3)

1. At the invitation of the Chairperson, Ms. Akuffo (Ghana) took a place at the Committee table.

2. Ms. AKUFFO (Ghana), introducing her counrty's combined initial, second and third periodic reports, said that the female population accounted for 51.3 per cent of the total population of Ghana. Most Ghanaians lived in rural areas, although the proportion living in urban areas was growing. Female-headed households were on the increase, with at least 29.6 per cent of rural and 35.8 per cent of urban households being headed by women.

3. By law, women in Ghana enjoyed equal status with men. Despite such de jure equality, however, Ghanaian women were discriminated against in many spheres of life, because of a combination of factors which included low levels of basic education and training and poor health. The high premium traditionally placed on child-bearing resulted in high fertility levels and the need to combine reproductive roles with arduous economic and domestic duties. The difficult economic conditions characterizing the lives of most women, particularly those in rural areas, also worked against their full enjoyment of equal status with men. They none the less played important roles in society as economic producers, mothers and nurturers, and they were in the front line of family health delivery.

4. Summarizing the legal and other measures taken to implement the Convention, she said that the Convention was likely to receive strong legal backing from the new draft constitutional proposals prepared in July 1991, which were being considered by a consultative assembly that included representatives of the National Council on Women and Development (NCWD). The NCWD and other government agencies, as well as a number of non-governmental organizations, were working to improve implementation of the Convention in Ghana and provided assistance to women in many spheres.

5. Concerning article 1 of the Convention, Ghana's draft constitutional proposals defined "discrimination" as "affording different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinion, colour, gender ...". Concerning article 2, the principle of equality of men and women was embodied in the laws of Ghana. In addition, the draft constitutional proposals currently under consideration made provision for the enactment of legislation to ensure the protection of basic human rights, including the rights of women, children and other vulnerable groups in the development process. Laws had also been enacted dealing with some of the areas where women were most oppressed, for

(Ms. Akuffo, Ghana)

instance laws on intestate succession, the registration of marriages and divorces and the accountability of heads of families.

6. With regard to article 3, measures had been taken to enhance the status of women by, inter alia, increasing their access to education and health care. Concerning article 4, special temporary measures had been taken in the educational sector to accelerate women's attainment of equal levels with men. For instance, sixth-form science entry requirements were less stringent for girls.

7. Turning to article 5, social and cultural beliefs and practices in Ghana promoted a view of women as being subservient to men. Women were traditionally regarded as producers of human beings, goods and services. Their inferior status was reinforced by polygamy, early betrothal and marriage, and widow inheritance. Unfortunately, the socialization process had taught women to accept those practices as the norm. Little change had been achieved in that area, although educational programmes organized by the NCWD spoke out against outmoded customs.

8. With regard to article 6, prostitution per se was not an offence in Ghana, although prostitution-related offences such as soliciting were, as was the traffic in women and girls. Measures to suppress those practices included educational programmes. One of the general aims of income-generating programmes was to remove the need for women and girls to resort to prostitution as a means of livelihood.

9. With regard to article 7, women's participation in public life was restricted mainly by their lack of the education necessary to attain high positions and the constraints placed on their time by the demands of their multiple roles. The most significant measures to increase women's participation in public and political life were contained in the draft constitutional proposals, which recommended that authorities should as far as practicable appoint an equal number of men and women. In 1991, the NCWD had organized a seminar on women in leadership to sensitize policy makers to the importance of women's participation in public life and highlight their near-invisibility at decision-making levels. Turning to article 8, women in Ghana had the legal right to represent their Government internationally, but in practice could not exercise that right to the same extent as men owing to factors similar to those limiting their participation in public life. However, spouses of nationals posted abroad were now allowed to engage in remunerated activities.

10. Turning to article 9, under the new draft constitutional proposals, the annulment of a marriage would no longer lead to loss of citizenship for a woman who had acquired it through that marriage. With regard to article 10, the status of women in education was particularly low. Male and female participation was almost equal in the initial stages of education, but female participation dropped sharply after secondary level and was less than

(Ms. Akuffo, Ghana)

20 per cent by tertiary level. Illiteracy was correspondingly widespread among women and was detrimental both to their participation in the economy and to their own and their children's health.

11. Educational reforms implemented in 1987 had included measures to address girls' and women's needs in education. Non-gender curricula had been designed to sustain the interest of both girls and boys and efforts had been made to increase girls' interest in and study of science subjects at higher levels. A nationwide functional literacy programme had also targeted women as a priority group, and extensive efforts were being made to increase women's knowledge and use of family planning methods.

12. Turning to article 11, Ghana had ratified ILO Conventions on, inter alia, equal remuneration, women's rights as workers and maternity protection. However, the relevant provisions were enforced only in the formal sector and therefore had little impact on the lives of the majority of women working in the informal sector. Where they did venture into the formal sector, women tended to remain in low-paying unskilled or low-skilled jobs. Measures to enhance women's status in employment included the provision of child-care facilities and also training programmes to assist women engaged in informal economic activities.

13. With regard to article 12, women had equal access to health services, but their health was adversely affected by traditional values and practices, their high fertility levels and low levels of education, and the limited coverage of health services. The Primary Health Care Programme was the main vehicle for improving the health of women and children. Efforts to expand and improve coverage included the training of traditional birth attendants in hygienic birthing methods. One important component of public health education programmes in recent years had been the prevention and control of AIDS. The risks to women and their role in limiting the spread of the disease had been acknowledged, and women were one of the main targets of the programme. A maternal and child health/family planning programme was a priority, but its expansion and coverage were subject to major constraints. Other measures to improve women's health included the provision of safe drinking water to prevent water-borne diseases, which were a major health problem. The draft constitutional proposals also addressed women's health problems and called, in particular, for the abolition of all customary practices injurious to the physical and mental well-being of women, such as female circumcision.

14. With regard to article 13, women's access to credit was limited by such factors as their lack of collateral and the small-scale nature of their economic activities, as well as their own unwillingness to take the risk of obtaining loans. A number of projects to grant or guarantee loans to women did, however, exist.

(Ms. Akuffo, Ghana)

15. Turning to article 14, at least 60 per cent of Ghanaian women continued to live in rural areas, where they were mostly engaged in small-scale farming. Most development efforts to enhance the status of women focused on such women, who were also increasingly involved in activities such as safe water supply and environmental protection which had a bearing on their domestic responsibilities as suppliers of water and fuel. They were also a focal point for adult literacy programmes and the Primary Health Care Programme.

16. With regard to article 15, women's exercise of their legal rights, which were in theory equal to those of men, was inhibited by their ignorance of those rights and their fear of asserting them, especially where husbands or other family members were concerned, and of course by their lack of resources. Measures to enhance women's exercise of their legal rights included a free legal aid scheme for women. Turning to article 16, the new draft constitutional proposals would guarantee the property rights of women in marriage, thereby greatly improving upon the existing situation, under which property that a wife helped her husband to acquire belonged solely to him.

17. Women in Ghana had the same right as men to choose a spouse and enter into marriage. There were three legally recognized systems of marriage - marriage under customary law, marriage under the Marriage Ordinance and marriage under the Marriage of Mohammedans Ordinance - and the status of women in marriage varied from one system to another. Most women were married under some form of customary law, within which their rights were quite limited. Although they could acquire and own separate property, the husband was the absolute head of the family and had rights not shared by the woman, such as the right to more than one spouse. With the passing of new laws on intestate succession and the registration of customary marriages and divorces, the rights of women in marriage had improved considerably. However, the practical effect had yet to be felt by most women because of the prevalence of customary values and practices and women's ignorance of their rights under the new laws. Even when they knew about the new laws, they appeared to be hesitant to take advantage of them and were often urged to settle marriage and family matters at home.

18. Although much remained to be done before women in Ghana attained full equality with men, it was encouraging to note that the legal and policy-making environment in Ghana was improving in such areas as health and education. Because societal attitudes were still the major obstacle to the advancement of women, the Government would step up public education programmes to enhance awareness of the potential role of women in Ghanaian society.

19. Ms. OESER said that the report submitted by Ghana was a useful means of acquainting the Committee with the problems of Ghanaian women and their attitude towards those problems.

20. Ms. UKEJE said that, although she would have liked more statistics reflecting the improving status of Ghanaian women, she was impressed by the report and by the Ghanaian Government's efforts, despite its economic difficulties, to remedy the effects of long-standing traditions that resulted in discrimination against women.

21. Ms. ALFONSIN DE FASAN said that Ghana's frank report reflected not only the situation of extreme discrimination against women, but also the tremendous efforts of the Government and of non-governmental organizations to overcome cultural obstacles to equality. The provisions of the Convention should provide support and guidance in that regard.

22. Ms. EVATT said she was encouraged to note the Ghanaian Government's commitment to the advancement of women, as reflected in its impressively frank report. She was pleased that the improvement of women's health and education were priorities and that the need to change traditional attitudes towards women had been identified and was being addressed.

23. Ms. AKAMATSU said that she welcomed Ghana's ratification of the Convention without reservations, as well as its impressive efforts to combat discrimination despite economic difficulties. The establishment of the National Council on Women and Development (NCWD) in 1975, which had been International Women's Year, had promoted ratification of the Convention. She asked for further information on the budget and organization of the NCWD and other national machinery for the advancement of women. She also wondered whether such marriage-related problems as polygamy and the inheritance system had been addressed, and asked for details on the content and effectiveness of the four laws promulgated in 1985 concerning intestate succession, the registration of marriages and divorces, head of family accountability and the administration of estates.

24. Ms. SCHOPP-SCHILLING said that Ghana's Government was evidently serious about pursuing its policies for women. Since customary laws were the greatest barrier to equality in Ghana, she asked for more details about such laws and the number of women living under them. At the same time, not all customary laws were necessarily disadvantageous for women; in matrilineal systems, for example, women played an important social role. One problem of development was that legislation establishing formal equality sometimes ignored traditions that actually enhanced women's participation in society. She asked whether the Ghanaian Government had any immediate plans for dealing with customary law, or whether it would take a purely educational approach to the problem. With respect to article 4 of the Convention, she was pleased that Ghana had adopted temporary special measures directed towards specific goals, and hoped that the Ghanaian Government would continue that policy.

25. Ms. WALLA-TCHANGAI said that much remained to be done in Ghana, especially on such economic and health issues as the economic evaluation of women's work in the informal sector, female illiteracy, prostitution and AIDS. However, the Government's willingness to take action promised to lead to an improvement of women's status in Ghana.

26. Ms. LAIOU-ANTONIOU said that although machinery to deal with women's issues had been established in Ghana, its effectiveness was limited by the fact that it was highly centralized; decentralization and additional financial resources were necessary. Moreover, such machinery alone was insufficient, since the establishment of equality must form an integral part of solutions to social and political problems affecting the whole population. She asked how women could participate in decisions regarding the distribution of development aid from Governments, United Nations agencies and non-governmental organizations, since such aid often was not allocated to addressing women's concerns. She also asked why there had been an increase in female-headed households, as indicated in paragraph 11 of Ghana's report.

27. Ms. QUINTOS-DELES said that if the report's incisive analysis of the situation of Ghanaian women was followed by determined action, positive changes would result. She commended the NCWD for shifting its emphasis from income-generating activities for women to integrating women's concerns into Government programmes and policies. However, she was concerned about the Council's intention to coordinate the work of non-governmental organizations. It was important that Governments should avoid limiting the independence of such organizations, which were most effective when they acted autonomously under separate mandates.

28. Ms. NIKOLAEVA said that although she was disturbed by the persistence of de jure and de facto discrimination against women in Ghana, she was encouraged by the report's objective discussion of the problem and hoped that the Government would show the political will to address it as a priority. The high rate of illiteracy among women, especially women in rural areas, was cause for particular concern. She hoped that UNESCO would continue its educational programmes in Ghana and that the Ghanaian Government and women themselves would work towards the goals set by UNESCO. Many of the problems of Ghanaian women, such as their unwillingness to participate in political life, the limitation of their economic activity to small businesses and unskilled labour, their inferior social status and their lack of access to bank loans, were directly related to illiteracy and lack of education. Those problems could not be solved unless women's organizations took the initiative of working actively with the Government in that area.

29. Ms. SHANGZHEN said that despite Ghana's difficulties, as a developing country, in gathering the necessary statistics and other information, it had prepared an impressive report that reflected the serious efforts of the Government and the NCWD to address women's issues.

30. Ms. BRAVO NUÑEZ DE RAMSEY said that illiteracy and malnutrition were among the most serious problems of Ghanaian women, and that the Government should therefore implement special programmes for women and children.

31. Ms. AOUIJ said that she was sensitive to Ghana's human development problems, which were compounded by its precarious economic situation. She asked the representative of Ghana to explain the current basis of the Government's laws and policies, since the Constitution had been suspended in 1979.

Article 2

32. Ms. ALFONSIN DE FASAN asked what was being done to ensure that customary law did not conflict with other legal provisions and that religious and cultural customs that violated human rights were eliminated.

Article 3

33. Ms. BRAVO NUÑEZ DE RAMSEY, noting from paragraph 7 of the report that in 1984 children aged 0 to 14 years had accounted for 45 per cent of the population, said that the high proportion of children would lower per capita income since it meant that the economically active population was small. In those circumstances, the Ghanaian Government should take steps to encourage women to work outside the home and provide them with training. She asked what legal, economic, cultural, social and educational measures had been taken in that respect.

Article 4

34. Ms. ILIC, referring to paragraph 51, asked whether there was any timetable for the process undertaken by the Law Reform Commission, the Attorney-General's Department and FIDA and what the prospects were of their proposals being accepted.

35. Ms. OESER said that the Committee had noted in the past that some Governments were reluctant to adopt special temporary measures; that also seemed to be true of the Ghanaian Government. In her view, the legal reforms envisaged in paragraph 51 were permanent in nature and did not fall within the scope of article 4. She therefore asked for clarification of the Ghanaian Government's understanding of article 4 of the Convention.

Article 5

36. Ms. UKEJE noted that the law on intestate succession had been enacted but was not being enforced. She asked what was being done by the media, churches and local bodies to make people aware of that law, especially in rural communities where people were more likely to die intestate. She wished to know more about the educational programmes referred to in paragraph 59 and how successful they had been.

37. Ms. ILIC said that the situation of widows in Ghana seemed very unfortunate and noted that the perpetrators of widowhood rites were actually women. She asked whether the educational programmes referred to in

paragraph 59 were directed only at women or also at men, since men's approval must be secured if attitudes were to be changed, and what results had been achieved so far. It was surprising to note from paragraph 57 that the position of women was extremely precarious; that situation was unusual in matriarchal communities. She asked for clarification.

38. It seemed that changes in attitudes and stereotypes were urgently needed in Ghana and that women, and the Government, were conscious of that need. She asked how much work had been done by non-governmental organizations, how much money they had been allocated by the Government and whether their efforts were to continue.

39. Ms. BUSTELO GARCIA del REAL asked for further information about the statistical incidence of widowhood rites and other forms of violence against women. It appeared from the report that the Ghanaian Government did not feel that it could eliminate such customs in the short term. She asked whether the Government had considered drawing up a medium-term plan for the eradication of customs that discriminated against women; it could perhaps concentrate on the most discriminatory customs first.

40. Ms. BERNARD said that it was clear from the report that the Ghanaian Government was facing up to the problems encountered by Ghanaian women and was prepared to seek solutions, despite the difficulty of changing entrenched attitudes. She asked how successful attempts to overcome stereotypes and re-educate people had been and what was meant by "maternal inheritance to stool" in paragraph 57.

41. Ms. EVATT requested further information about traditional practices, including widowhood rites, customary divorce on grounds of witchcraft and funeral rites, and about the extent of polygamy and child marriage. She also asked whether political and social leaders were speaking out against those practices and trying to influence Ghanaians to change such attitudes and customs.

42. Ms. GONZALEZ MARTINEZ said that it was clearly a massive undertaking to change traditions and customs which were as old as Ghanaian society, yet it was clear from the report that the Ghanaian Government was trying to effect changes in customs and practices among the various ethnic groups in Ghana. She commended the Government's frankness in discussing such problems as initiation rites, widowhood rites and female circumcision, and hoped that efforts to change practices and traditions that discriminated against women would be continued with due respect for Ghana's unique culture.

43. Ms. FORDE commended the Ghanaian Government for having ratified the Convention in 1986 without reservations; that represented a firm commitment to seeking to comply with the provisions of the Convention. With regard to article 5 of the Convention, she asked whether Ghanaian women, especially young women, really accepted their circumstances and whether there had been

(Ms. Forde)

any attempt to ascertain how women felt and whether they themselves would welcome changes in their situation.

44. The representative of Ghana had mentioned that women had the same legal and employment rights as men and the same right to choose a spouse; she asked how that situation could be reconciled with the reality of the social situation in Ghana, or whether the two situations existed in parallel.

45. Ms. AKAMATSU noted from paragraph 52 that throughout Ghana a woman was considered in need of protection throughout her life. A similar attitude prevailed in Japan, where a woman was expected to be obedient to her father, her husband and her son. She asked how women in Ghana were struggling against such ideas.

46. Ms. BRAVO NUÑEZ DE RAMSEY asked what was meant by the "socialization process" in paragraph 56 and requested information about initiation rites.

47. Ms. CORTI said that although it was a long-term, uphill struggle to ensure compliance with article 5 of the Convention in a traditional society, it was not clear what efforts the Ghanaian Government was making to abolish stereotyping. She recalled that in Tanzania, seminars, conferences and meetings had been organized to explain the dangers of female circumcision and other traditional practices and gradually to raise the awareness of both men and women. She asked whether any similar activities had been undertaken in Ghana. She also asked whether widowhood rites had been abolished in practice, or whether they persisted. She requested information about the role played by non-governmental organizations in the implementation of article 5.

48. Ms. SHANGZHEN said it was clear that outmoded customs and social prejudices still exerted a strong influence on Ghanaian society, to the detriment of women. Little success had been achieved in modifying social and cultural patterns, although it was true that laws alone could not abolish outmoded attitudes and habits. She asked for information about the Ghanaian Government's plans for further legal reform and for educational programmes aimed at the whole of society so as to bring about fundamental changes in women's rights and status.

Article 6

49. Ms. WALLA-TCHANGAI asked whether any research had been done on the reasons for all types of prostitution, open, clandestine and occasional. She asked what was being done to make health services available to women at risk, in particular to combat the spread of AIDS. Educational programmes were not enough to discourage prostitution, its causes must be tackled; she asked whether there were reception, reintegration or reorientation structures, especially in trade, agriculture and handicrafts, for women who wished to abandon prostitution.

50. Ms. ALFONSIN DE FASAN said that the report referred to the need for vigilance in order to track down and punish the women and men who traded young women to other countries (para. 62); how were those operations carried out? She asked whether vulnerable groups of women had access to contraceptives, particularly so as to prevent the spread of AIDS.

51. Ms. BUSTELO GARCIA del REAL requested information on the number of prostitutes in Ghana and on efforts to prevent the spread of AIDS. She asked whether any special measures had been taken to combat traffic in women and girls to other countries and whether Ghanaian consulates abroad or non-governmental organizations, particularly in developed countries, provided assistance to such women.

52. Ms. BERNARD asked what legislation existed in Ghana to prevent traffic in women and girls (para. 62), how effective it had been and whether new legislation was envisaged.

53. Ms. CORTI said that paragraph 63 referred to a national consultation on prostitution organized in 1980; she asked whether anything had been done since then.

Article 7

54. Ms. EVATT said that in order to effect change, it was important to ensure a commitment to change at all levels of government, especially the highest levels. It was unfortunate that not many Ghanaian women participated in Ghanaian politics and that few were elected to Parliament or representative office or even to district assemblies. She asked whether any measures were planned to promote greater political participation by women, so as to ensure that women's concerns were addressed in political life.

55. Ms. BERNARD noted from paragraph 68 of the report that few women had served as judges and magistrates; she asked whether the percentage had increased since 1984, the year for which figures were provided.

56. Ms. GONZALEZ MARTINEZ said that without improvements in education and changes in mentality, it was very difficult for women to participate in political and public life. Paragraph 66 indicated that, in principle, women had equal terms with men, but that in practice they were handicapped by lack of education and the cultural environment. She asked whether any action had been taken, other than the programmes mentioned in paragraph 71, to bring about changes in attitude through education so that women could participate more fully in political activities.

57. Ms. CORTI said that in Europe numerous non-governmental organizations (NGOs), such as the International Federation of Business and Professional Women and the Soroptimist International Association, were active in promoting the political education and advancement of women; she wondered whether similar efforts were being undertaken in Ghana. While women appeared to be

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professionally emancipated in Ghana, there was no evidence in the report of their promotion in politics and she pointed out that NGO programmes aimed at fostering the political promotion of women would be conducive to the process of broad democratization in Ghana.

Article 9

58. Ms. AKAMATSU said that the discriminatory provisions of Ghana's Nationality Act, referred to in paragraphs 74 and 76 of the report, conflicted directly with the Convention. She understood, however, that certain changes, referred to by the representative of Ghana in her statement, had been made in the existing legislation. She requested further information concerning the position of children under the Ghana Nationality Act, as required under article 9, paragraph 2, of the Convention.

Article 10

59. Ms. LAIOU-ANTONIOU said that the statistics on family planning practice in Ghana, given in paragraph 142 of the report, were a source of concern. In view of the urgent need to control population growth, it was discouraging that such a low percentage of Ghanaian women used family planning. She wondered what explanation could be adduced for the failure of family planning programmes in Ghana and whether the United Nations and UNFPA expenditure on such programmes was justified. Where such programmes had manifestly succeeded in Europe, they had failed in Asian and African countries, and family size had continued to grow, as a result of social, economic or cultural factors. She wondered which of those factors had been most influential in Ghana.

60. Ms. FORDE wondered whether the low school attendance rate for young women was linked exclusively to early marriage and pregnancy, and not also caused by financial circumstances. She asked whether education was free at all levels and whether comprehensive family planning education was readily available.

61. Ms. OESER asked, with reference to school-going mothers and the availability of day-care facilities, whether current information was available, as the figures in table 17 referred to 1984 and the situation could have changed substantially.

62. Ms. AOUIJ said that Ghana was making commendable efforts in the area of women's education, but that many women were losing their literacy skills because of the high cost of books and the general lack of reading materials. In the light of the literacy targets for women set for the year 2000, she wondered what steps were being taken by the National Council on Women and Development to that end, such as by publishing a women's magazine and assisting school children with the provision of books.

63. Ms. AKAMATSU said that the Ghanaian Government had taken impressive steps in combating illiteracy and she wondered, therefore, why the absolute number of females aged six years and above who had never attended school had

increased from 2.1 million in 1960 to 2.6 million in 1984, as stated in paragraph 115 of the report. With reference to the statistics in table 10 concerning literacy rates, she noted a discrepancy under age group 35-44 for Accra, where the overall percentage was greater than the separate percentages for men and women.

Article 11

64. Ms. LAIOU-ANTONIOU requested further information on the activities undertaken by self-employed women, since they constituted such a large proportion of the work force. She also asked whether Ghanaian legislation provided for equal pay for work of equal value, or equal pay for equal work.

65. Ms. QUINTOS-DELES said that the Government was to be commended on its efforts to establish more child-care facilities but noted that its task would be formidable, if not impossible, if it were to focus exclusively on conventional, centre-based child care, in view of its limited resources. She suggested that the Government should look also at alternative methods, emphasizing the training of care givers and the recycling of discarded materials for the production of toys and educational materials. Consideration should also be given to non-centre-based child-care facilities.

66. Ms. OESER noted from paragraph 161 of the report that work done by women in the home and unpaid agricultural work were not counted as part of the country's gross national product (GNP). The failure by Ghana and many other countries to take account of that work in their GNP had prompted CEDAW General Recommendation No. 17, on the measurement and quantification of unremunerated domestic activities, in which States were recommended to undertake research work on that topic and to gather relevant data. She wondered whether Ghana had collected any data which it could share with the Committee.

67. Ms. AKAMATSU said that, in her understanding, Ghana had no law guaranteeing equal opportunities for women with respect to placement, promotion, working conditions and retirement and she suggested, therefore, that it might be necessary to enact such legislation to guarantee the rights of women in the workplace, in accordance with the provisions of article 11 of the Convention.

Article 12

68. Ms. EVATT said that the priority accorded to primary health care was encouraging, particularly in view of the high maternal and infant mortality rates in Ghana. In view of the high fertility rate and the declining rate of contraceptive use, especially in rural areas, she wondered what steps were being taken at the school and community levels to promote sex education and family planning education. There was also a growing need for education on AIDS and safe sex practices.

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69. In view of the continued practice of female circumcision, despite the new laws and proposals mentioned by the representative of Ghana, she wondered what resources were being committed to its eradication and, in addition, what training was provided for traditional midwives and whether relevant public education programmes were being conducted. She understood that the introduction of new charges for health services had limited the population's access to health care, and she wondered what effect that had had on the health of women and children. Finally, she asked whether information could be given on the number of women doctors in the country.

70. Ms. AOUIJ said that, according to UNFPA figures, Ghana's population growth rate of 3.2 per cent and fertility rate of 6.3 per cent were among the highest in the world. The combination of those two factors had reduced birth spacing and had given Ghana the world's third highest maternal mortality rate. While the desire for larger families was prompted by the need for an increased agricultural workforce, the consequent growth in the numbers of children also placed an additional strain on the land and had led to a change in attitudes among farmers to family size. A laudable initiative had been the forming of so-called fathers' clubs, to raise awareness among men about the necessity for family planning methods and for the use of male forms of contraception. She wondered what measures were being taken under the Ghana National Family Planning Programme to promote such contraceptive use and to what extent men were participating in its activities.

Article 13

71. Ms. UKEJE asked, with reference to paragraph 213 of the report, what steps were being taken in real terms to combat, if not eliminate, the deplorable practice of female circumcision, which was a problem shared by other regions in Africa.

Article 15

72. Ms. AKAMATSU noted the references to a patrilineal system, in paragraph 268, and to a matrilineal system, in paragraph 273, and wondered what the ratio of patrilineal and matrilineal systems was in Ghanaian society.

73. Paragraph 268 stated that single women could choose their place of residence without restriction, suggesting that they possibly had more freedom than married women. She wondered, therefore, how many single women there were in Ghanaian society and whether they were freely able to obtain employment.

Article 16

74. Ms. UKEJE drew attention to paragraphs 271-320 and table 1, concerning marriage in Ghana. In view of the very high proportion of women married under customary law, in other words, in potentially polygamous marriages, it was

heartening that the Ghanaian Government had enacted the laws specified in paragraph 316, aimed at abolishing cruel funeral rites and at correcting anomalies in customary law relating to intestate succession. She hoped that the enactment of that legislation would give hope to the many African women who suffered under similar degrading practices.

75. Ms. FORDE observed that the legal situation regarding marriage in Ghana was very complex, with several parallel legal forms, and she wondered whether it was possible in practice to move from one form to another and whether women could opt for a particular form of marriage. With reference to the disclosures in paragraph 286 concerning the husband's right to beat his wife, she noted that in her country, under English law, the law on assault and battery could be invoked to prohibit such practices. Finally, she wondered whether changes might be necessary in the area of maintenance and property rights under customary law.

76. Ms. AKAMATSU said that the high proportion of marriages under customary law was a cause of serious concern. The revelations in paragraph 276, concerning the payment of the bride-price and the perception that marriage was not so much the union of a man and a woman as the union of their two families, in paragraph 286, concerning polygamy and the superiority of the husband, and in paragraph 290, concerning the discriminatory situation regarding divorce, could not be reconciled with the provisions of article 16 of the Convention. It was heartening, therefore, that a new draft constitution was under consideration.

77. The CHAIRPERSON said that the Committee's discussion of Ghana's report had been characterized by the high level of interest shown by all members. The report was very candid, containing much valuable detail and a careful assessment of the plight of Ghanaian women. The Government and the authorities in Ghana had the political will to improve the status of women, as evidenced by the measures that had been undertaken, the enactment of new legislation and the social programmes introduced to combat polygamy, illiteracy and widowhood rites. While progress had been made, however, problems remained, particularly in the area of customary practices.

78. She hoped that Ghana's report would encourage members of the Committee in their work and would lead to the adoption of further recommendations on ways to promote effective implementation of the Convention.

The meeting rose at 1.05 p.m.